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TRANSCRIPT OF RECORD

Supreme Court of the United States

OCTOBER TERM, 1937

No. 447

SCHUYLKILL TRUST COMPANY, APPELLANT,

vs.

THE COMMONWEALTH OF PENNSYLVANIA

APPEAL FROM THE SUPREME COURT OF THE STATE OF PENNSYLVANIA

FILED SEPTEMBER 23, 1937.

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IN SUPREME COURT OF PENNSYLVANIA

MAY TERM, 1937

No. 35

COMMONWEALTH OF PENNSYLVANIA, Plaintiff,

vs.

SCHUYLKILL TRUST COMPANY, Defendant

DOCKET ENTRIES

Appeal of Defendant, No. 61, Commonwealth Docket, 1933, from the Final Judgment

Appeal from the Court of Common Pleas of the County of Dauphin

Filed February 8, 1937

Eo die certiorari exit.
Returnable 21st Monday of the year 1937.

Feb. 24, 1937. Notice of appeal, etc., filed.
May 18, 1937. Assignments of error filed.
May 20, 1937. Record returned and filed.
May 26, 1937. Argued.

JUDGMENT

Jun. 25, 1937. Judgment affirmed.

Opinion by Stern, J.

Jul. 2, 1937. Petition for re-argument filed at Philadelphia.
John Robert Jones, Atty.

ORDER REFUSING RE-ARGUMENT

July 9, 1937. Re-argument refused.

Per Curiam

Jul. 12, 1937. Petition to retain record for three months filed at Philadelphia.

John Robert Jones, Atty.

[fol. 2] July 12, 1937, Petition granted.

Per Curiam.

Aug. 24, 1937. Notice required by Rule 12, Sec. 2, of the Supreme Court of the United States, filed and service thereon accepted by Charles J. Margiotti, Atty. Gen'l, Com. of Pa.

Aug. 31, 1937. Petition for appeal to Supreme Court of the United States filed showing the following order endorsed thereon: "And now, August 20th, 1937, upon consideration of the within petition, an appeal is allowed in the within cause; bond to be filed for costs in the sum of $200.

Owen J. Roberts, Associate Justice of the Supreme Court of the United States."

Aug. 31, 1937. Statement as to jurisdiction filed.

Aug. 31, 1937. Bond in sum of $200—approved by Mr. Justice Roberts, filed.

Aug. 31, 1937. Citation from Hon. Owen J. Roberts, Associate Justice of the Supreme Court of the United States and service thereon accepted by Charles J. Margiotti, Atty. Gen'l of Pennsylvania, filed.

Aug. 31, 1937. Stipulation and praecipe for transcript of record filed.

John Robert Jones, Charles J. Margiotti, Atty. Gen'l, Attorneys.

[fol. 3] IN COURT OF COMMON PLEAS OF DAUPHIN COUNTY, PENNSYLVANIA

DOCKET ENTRIES

Appeal from the decision of the Board of Finance and Revenue, tax on shares ending December 31, 1930.

March 25, 1933. Appeal and specifications of objections filed.

April 6, 1933. Approved bond filed.

July 18, 1933. Stipulation to try without jury filed.

October 7, 1933. Supplemental stipulation of facts filed.

October 14, 1933. Defendant's Requests for Conclusions of Law, with answers thereto filed.

October 19, 1933. Statement of Counsel filed.

October 19, 1933. Stipulation of Facts filed.

JUDGMENT

October 19, 1933. Judgment is hereby directed to be entered in favor of the Commonwealth and against Schuylkill Trust Company for the sum of $1,863.17 unless exceptions be filed within the time limited by law. See opinion filed.

November 17, 1933. Exceptions of the defendant filed.

November 22, 1933. Opinion of court filed modifying Exception No. 20 and Exception No. 29. Each of the remaining exceptions are overruled and judgment is directed to be entered as directed in the original opinion filed dated Oct. 16, 1933. See opinion filed.

November 24, 1933. Supplemental order to opinion filed modifying said opinion and overruling all exceptions in- [fol. 4] cluding the Exceptions No. 20 and 29, Same day final order shows that all exceptions are overruled. See supplemental order filed.

December 19, 1933. Certiorari sur appeal to the Supreme Court No. 19, May Term, 1934 filed.

June 30, 1934. Assignments of Error overruled and judgment affirmed per Frazer, C. J.

December 14, 1934. Appeal to the Supreme Court of the United States allowed.

January 28, 1936. Remittitur from Supreme Court filed certifying that the judgment of our court was affirmed and on appeal to the Supreme Court of the United States, the same was reversed, with costs as per mandate of said Supreme Court of the United States attached.

February 11, 1936. On petition filed Rule granted on defendant to show cause why judgment should not be entered in accordance with the above petition. Returnable 15 days filed.

February 18, 1936. Issuance of Rule waived and service accepted by J. R. Jones, Attorney for Defendant.

February 25, 1936. Demurrer of Schuylkill Trust Company to petition of Commonwealth filed.

JUDGMENT

April 20, 1936. For reasons given in opinion heretofore filed in case No. 162 C. D. 1933, judgment is directed to be entered in favor of the Commonwealth of Pennsylvania and against defendant in the sum of $1801.03 less the allowance of costs to defendant of $344 fixed by the mandate of the Su-